

APPEAL NO. 033106
FILED JANUARY 6, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 22, 2003. With respect to the issue before her, the hearing officer determined that the respondent's (claimant) _____, compensable injury includes depression. In its appeal, the appellant (carrier) asserts error in that determination. In his response to the carrier's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury includes depression. That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). In this instance, the medical evidence indicates that the claimant developed major depression as a result of chronic pain from the compensable injury, significant disruption of activities of daily living, inability to work, and financial distress. We have recognized that depression is not compensable if it is traceable to the "circumstances arising out of and immediately following the injury" as opposed to being the "result of the injury." Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996. To be clear, where, as here, the depression naturally flowed from the pain and physical limitations caused by the compensable injury, the depression is compensable, whereas, depression that resulted from the stress of the workers' compensation "system" or financial difficulties is not compensable. See Texas Workers' Compensation Commission Appeal No. 012398, decided November 27, 2001, and Texas Workers' Compensation Commission Appeal No. 030966, decided May 27, 2003, and the cases cited therein. The fact that there may be more than one cause of the claimant's depression does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's condition. Appeal No. 961449, *supra*. Nothing in our review of the record reveals that the hearing officer misapplied the law or that her determination that the claimant's compensable injury includes depression is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer' decision and order are affirmed.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge